



**NEW MEXICO**  
**ENVIRONMENT DEPARTMENT**

Ground Water Quality Bureau

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***Draft: February 1, 2021***

**GROUND WATER QUALITY BUREAU**

**DISCHARGE PERMIT**

**Issued under 20.6.2 NMAC**

**Facility Name:** Frank's Septic Service, Inc.  
**Discharge Permit Number:** DP-452  
**Facility Location:** One mile north of Alexander Airport off Greer Road  
Belen, NM

**County:** Valencia

**Permittee:** Frank's Septic Service, Inc.  
**Mailing Address:** Daniel C. Romero  
1210 North Mesa Road  
Belen, NM 87002

**Facility Contact:** Daniel C. Romero  
**Telephone Number/Email:** (505) 864-4208/franksseptics@yahoo.com

**Permitting Action:** Renewal

**Permit Issuance Date:** DATE  
**Permit Expiration Date:** DATE

**NMED Permit Contact:** Avery Young  
**Telephone Number/Email:** (505) 699-8564/avery.young@state.nm.us

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**MICHELLE HUNTER**  
Chief, Ground Water Quality Bureau

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## ATTACHMENTS

Discharge Permit Summary  
Surface Disposal Data Sheet (SDDS-Septage/Sludge/grease -  
<https://www.env.nm.gov/gwb/forms.htm>)

## I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit Renewal (Discharge Permit or DP-452) to Daniel C. Romero doing business as Frank's Septic Service, Inc. (Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from Frank's Septic Service, Inc. (Facility) in order to protect groundwater and those segments of surface water gaining from groundwater inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. It is NMED's determination in issuing this Discharge Permit that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. The Permittee is responsible for complying with the terms and conditions of this Discharge Permit pursuant to Section 20.6.2.3104 NMAC; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

Described below are the activities that produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics.

The Permittee receives and discharges domestic septage, domestic wastewater treatment facility sludge, and the aqueous portion of grease trap/interceptor waste at a combined total maximum rate of up to 30,000 gallons per day (gpd). Disposal of waste occurs at the Facility onto the land surface, which has an area of approximately 22 acres.

The discharge may contain water contaminants or toxic pollutants elevated above the standards of Section 20.6.2.3103 NMAC and is not subject to the exemption at Subsection 20.6.2.3105. A NMAC.

The Facility is located one mile north of Alexander Airport off Greer Road, approximately five miles west of Belen, in Section 9, Township 05N, Range 01E (projected), in Valencia County. A discharge at the Facility is mostly likely to affect groundwater at a depth of approximately 400 feet and having a total dissolved solids (TDS) concentration of approximately 350 milligrams per liter.

NMED issued the original Discharge Permit to the Permittee on May 11, 1987 and subsequently renewed and modified the Permit on June 26, 1992, June 9, 2000, June 28, 2005 and on May 22, 2015. The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by the Permittee dated July 13, 2020, and materials contained in the administrative record prior to issuance of this Discharge Permit. The Permittee shall manage the discharge in accordance with all conditions and requirements of this Discharge Permit.

NMED reserves the right to require a discharge permit modification in the event NMED determines that the Permittee is or may be violating, or is likely to violate in the future, the requirements of 20.6.2 NMAC or the standards of Section 20.6.2.3103 NMAC. NMED reserves this right pursuant to Section 20.6.2.3109 NMAC. An NMED requirement to modify the Discharge Permit may result from a determination by NMED that structural controls and/or management practices approved under this Discharge Permit are insufficiently protective of groundwater quality and human health. NMED reserves the right to require the Permittee implement abatement of water pollution and remediate groundwater quality.

NMED's issuance of this Discharge Permit does not relieve the Permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

This Discharge Permit may use the following acronyms and abbreviations.

Abbreviation	Explanation	Abbreviation	Explanation
BOD <sub>5</sub>	biochemical oxygen demand (5-day)	NMSA	New Mexico Statutes Annotated
CFR	Code of Federal Regulations	NO <sub>3</sub> -N	nitrate-nitrogen
CFU	colony forming unit	NTU	nephelometric turbidity units
Cl	chloride	QA/QC	Quality Assurance/Quality Control
EPA	United States Environmental Protection Agency	SDDS	Surface Disposal Data Sheet
gpd	gallons per day	TDS	total dissolved solids
LAA	land application area	TKN	total Kjeldahl nitrogen
LADS	Land Application Data Sheet(s)	total nitrogen	= TKN + NO <sub>3</sub> -N
mg/L	milligrams per liter	TRC	total residual chlorine
mL	milliliters	TSS	total suspended solids
MPN	most probable number	WQA	New Mexico Water Quality Act
NMAC	New Mexico Administrative Code	WQCC	Water Quality Control Commission
NMED	New Mexico Environment Department	WWTF	Wastewater Treatment Facility

## II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

1. The Permittee is discharging effluent or leachate from the Facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing

concentration of 10,000 mg/L or less of TDS, within the meaning of Subsection A of 20.6.2.3101 NMAC, without exceeding standards of 20.6.2.3103 NMAC for any water contaminant.

2. This Discharge Permit allows the Permittee to discharge effluent or leachate from the Facility directly or indirectly into groundwater pursuant to this Discharge Permit and Sections 20.6.2.3000 through 20.6.2.3114 NMAC.
3. The discharge from the Facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC including Subsection 20.6.2.3105.A which allows an exemption from obtaining a discharge permit if the discharge is composed of effluent or leachate which conforms to all the standards in Subsection A, B, and C of Section 20.6.2.3103 NMAC and has a total nitrogen concentration of 10 mg/L or less.

### **III. AUTHORIZATION TO DISCHARGE**

The Permittee is responsible for ensuring that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein pursuant to 20.6.2.3104 NMAC.

This Discharge Permit authorizes the following:

1. Domestic Septage – up to 24,000 gpd of domestic septage (including portable toilet waste) to eight surface disposal cells totaling 18 acres on a rotational basis.
2. Domestic Sludge – up to 3,000 gpd of liquid, semi-solid, and solid domestic wastewater treatment facility sludge to one surface disposal cell totaling 1.5 acres.
3. Grease Trap/Interceptor Waste – up to 3,000 gpd of the aqueous portion of grease trap/interceptor waste to one surface disposal cell totaling 2.5 acres. This Discharge Permit only authorizes the Permittee to discharge the aqueous portion of grease trap/interceptor waste to the land surface.

The Permittee may not receive or remediate any other waste types at the Facility or in the cells.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection D of 20.6.2.3109 NMAC]

### **IV. CONDITIONS**

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

**A. OPERATIONAL PLAN**

#	Terms and Conditions
1.	<p>The Permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
2.	<p>The Permittee shall operate in a manner that does not violate standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC.</p> <p>[20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
3.	<p>To prevent run-on and run-off from a storm event, the Permittee shall maintain earthen berms surrounding the perimeter of the Facility and in between disposal cells that are a minimum of 24 inches above natural grade.</p> <p>The Permittee shall inspect the berms on a regular basis and after any major rainfall event and repair as necessary. In place of a berm across the Facility entrance, the Permittee shall construct and maintain shallow (minimum depth of six inches) stormwater diversion trenches parallel to and on each side of the Facility entrance gate. The Permittee shall maintain all berms and trenches until termination of the permit and the Permittee has met the closure conditions.</p> <p>The Permittee shall keep a log of the inspections that includes a date of the inspection, any findings and repairs, and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
4.	<p>The Permittee shall maintain fences around the entire disposal Facility to restrict access. A minimum of a three-strand barbed wire fence including a locked gate shall surround the Facility. The Permittee shall maintain the fences to serve the stated purpose throughout the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
5.	<p>The Permittee shall maintain the following signs at the following locations:</p> <ul style="list-style-type: none"><li>• Signs posted at the Facility entrance and every 500 feet along the Facility boundary that state: "Notice: Waste Disposal Area - KEEP OUT" and "Aviso: Área de Disposición - NO ENTRAR".</li><li>• A sign posted at the entrance gate with the name of the Facility's contact person, office phone number of the contact person, emergency contact phone number for</li></ul>

#	Terms and Conditions
	<p>the Facility, and physical location of the Facility including township, range, and sections.</p> <ul style="list-style-type: none"><li>• A sign on each tank identifying its contents. Signs on tanks containing contaminated water shall indicate in English and Spanish that the water is not potable.</li><li>• A sign at the boundary of each cell to identify the cell number and the waste type the Permittee is authorized to discharge in the cell.</li></ul> <p>The Permittee shall ensure all signs are weatherproof and legible for the term of this Discharge Permit.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>
6.	<p>The Permittee shall not combine different waste types. The Permittee shall dispose of waste in separate cells that receive only a single designated waste type.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
7.	<p>The Permittee shall inspect the Facility weekly and collect any residual solid waste (trash) on the Facility site. The Permittee shall dispose of the collected materials in a manner consistent with all local, state and federal regulations.</p> <p>The Permittee shall create and maintain a log of all Facility inspections which describes the date of the inspection, any findings, and the name of the person responsible for the inspection. The Permittee shall make the inspection log available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections B and C of 20.6.2.3109 NMAC]</p>
8.	<p>The Permittee shall not discharge liquid wastes during periods of precipitation or when surface soils are frozen or saturated. The Permittee may store wastes on-site in tanker trucks during these periods.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>

***Domestic Septage***

#	Terms and Conditions
9.	<p>The Permittee shall apply domestic septage to eight surface disposal cells totaling 18 acres. The Permittee shall incorporate domestic septage (including portable toilet waste) into the soil by disking within six hours following surface disposal. The Permittee</p>

#	Terms and Conditions
	shall minimize ponding of septage. The Permittee shall ensure treatment and disposal of domestic septage shall be in accordance with requirements set forth in 40 CFR Part 503.  [Subsections B and C 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D, 40 CFR 503]
10.	The Permittee shall discharge domestic septage to the disposal cells such that the amount of total nitrogen discharged does not exceed 200 pounds per acre in any 12-month period. The Permittee shall distribute septage evenly throughout the entire disposal area.  [Subsection C of 20.6.2.3109 NMAC]

***Domestic Wastewater Treatment Facility Sludge***

#	Terms and Conditions
11.	The Permittee shall apply liquid, semi-solid and solid domestic wastewater treatment facility sludge to one surface disposal cell totaling 1.5 acres. The Permittee shall minimize ponding of liquid sludge. The Permittee shall incorporate the domestic wastewater treatment facility sludge into the soil by disking before the end of each operating day. The Permittee shall ensure treatment, storage and disposal of sludge shall be in accordance with requirements set forth in 40 CFR Part 503.  [Subsection C of 20.6.2.3109 NMAC]
12.	The Permittee shall discharge domestic wastewater treatment facility sludge to the disposal cell such that the amount of total nitrogen discharged does not exceed 200 pounds per acre in any 12-month period. The Permittee shall distribute domestic wastewater treatment Facility sludge evenly throughout the entire disposal area.  [Subsection C of 20.6.2.3109 NMAC]

***Grease Trap/Interceptor Waste***

#	Terms and Conditions
13.	The Permittee shall discharge only the aqueous portion of the grease trap/interceptor waste that the Permittee has processed to achieve at least 90% separation of grease, oil, and solids from the aqueous portion. The Permittee shall apply the aqueous portion of the grease trap/interceptor waste to one dedicated disposal cells totaling 2.5 acres. The Permittee shall incorporate the aqueous waste into the soil by disking before the end of



#	Terms and Conditions
	each operating day. The Permittee shall minimize ponding of the liquid waste in the disposal cells.  [Subsection C of 20.6.2.3109 NMAC]
14.	The Permittee shall discharge the aqueous portion of grease trap/interceptor waste to the disposal cell such that the amount of total nitrogen discharged does not exceed 200 pounds per acre in any 12-month period. The Permittee shall distribute the aqueous portion of grease trap/interceptor waste evenly throughout the entire disposal area.  [Subsection C of 20.6.2.3109 NMAC]

**B. MONITORING AND REPORTING**

#	Terms and Conditions
15.	The Permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.  [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
16.	METHODOLOGY – Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the Permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC.  [Subsection B of 20.6.2.3107 NMAC]
17.	Semi-annual monitoring: The Permittee shall perform monitoring and other Permit required actions during the following periods and shall submit semi-annual reports to NMED by the following due dates: <ul style="list-style-type: none"><li>• January 1<sup>st</sup> through June 30<sup>th</sup> – <b>due by August 1<sup>st</sup>; and</b></li><li>• July 1<sup>st</sup> through December 31<sup>st</sup> – <b>due by February 1<sup>st</sup>.</b></li></ul> [Subsection A of 20.6.2.3107 NMAC]
18.	The Permittee shall retain on-site a manifest for each load of waste received. The manifest shall record the following information: <ul style="list-style-type: none"><li>• date of receipt;</li><li>• name of the hauling company;</li><li>• name and address of the waste origin;</li></ul>

#	Terms and Conditions
	<ul style="list-style-type: none"> <li>• type of waste or description of contamination (differentiate between soil and water);</li> <li>• volume of waste;</li> <li>• confirmation of inspection for acceptable waste type;</li> <li>• signature of person conducting the inspection; and</li> <li>• cell identification and location within the cell where the Permittee discharged the waste.</li> </ul> <p>The Permittee shall make the manifests available for inspection by NMED upon request. The Permittee shall submit a summary listing the information from each manifest for wastes received during the reporting period to NMED in the semi-annual monitoring reports.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection A 20.6.2.3107 NMAC]</p>

***Monitoring and Reporting - Domestic Septage***

#	Terms and Conditions
19.	<p>The Permittee shall, on a monthly basis, complete a Surface Disposal Data Sheet for Septage (SDDS-Septage, attached) to document the amount of nitrogen discharged to each surface disposal cell. The Permittee shall complete a SDDS for each cell and shall reflect the volume and total nitrogen concentration of waste discharged to the disposal cells for each month. To determine the amount of nitrogen in septage applied, the Permittee may assume a total nitrogen concentration of 600 mg/L, based on average characteristics of septage (Guide to Septage Treatment and Disposal, EPA/625/R-94-002), or may use a total nitrogen value from the laboratory analysis of a composite sample from a minimum of six waste loads semi-annually using a sampling protocol approved by NMED prior to sample collection.</p> <p>The Permittee shall not adjust the nitrogen content to account for volatilization or mineralization processes. If the Permittee derives the total nitrogen value from laboratory analysis, the Permittee shall submit the analytical results, including the laboratory QA/QC summary report and Chain of Custody, to NMED in the semi-annual monitoring reports.</p> <p>The Permittee shall submit the SDDSs, or a statement that no surface disposal occurred within the cells, to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 and Subsection H of 20.6.2.3109 NMAC]</p>

**Monitoring and Reporting - Domestic Wastewater Treatment Facility Sludge**

#	Terms and Conditions
20.	<p>The Permittee shall analyze domestic wastewater treatment facility sludge accepted at the Facility in the following manner:</p> <ul style="list-style-type: none"><li>• Record the volume of domestic wastewater treatment facility sludge discharged to each surface disposal cell during the reporting period.</li><li>• Sample each domestic wastewater sludge type (solid, semi-solid, and liquid) transported to the surface disposal Facility on a semi-annual basis and analyze the sample(s) for percent total solids (%TS).</li><li>• Sample each domestic wastewater sludge type (solid, semi-solid, and liquid) transported to the surface disposal Facility on a semi-annual basis and analyze the samples for TKN and NO<sub>3</sub>-N. The Permittee shall report the analytical results as mg/kg for TKN and NO<sub>3</sub>-N (dry weight basis).</li></ul> <p>The Permittee shall properly prepare, preserve, transport and analyze the samples in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit records of the volume of the sludge discharged, percent total solids, and analytical results, including the laboratory QA/QC summary, to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109]</p>
21.	<p>The Permittee shall complete a Surface Disposal Data Sheet for Sludge (SDDS-Sludge, attached) on a monthly basis to document the amount of nitrogen in domestic wastewater treatment facility sludge discharged to the surface disposal cell(s). The Permittee shall complete a SDDS for each cell designation and for each sludge type (solid, semi-solid, and liquid) disposed of in each cell. The Permittee shall ensure the SDDS reflects the most recent nitrogen analysis results and the average percent total solids for each sludge type for each cell. The Permittee shall not adjust the nitrogen content to account for volatilization or mineralization processes.</p> <p>The Permittee shall submit the SDDSs or a statement that no surface disposal occurred within the cell to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109]</p>

**Monitoring and Reporting - Grease Trap/Interceptor Waste**

#	Terms and Conditions
22.	<p>The Permittee shall estimate the volume of the aqueous portion of grease trap/interceptor waste discharged to each designated surface disposal cell each month by tracking the volume of the loads received. The Permittee shall submit a record of the volume of the grease trap waste received to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109]</p>
23.	<p>The Permittee shall sample the aqueous portion of grease trap/interceptor waste following separation from the non-aqueous portion on a quarterly basis and analyze the samples for TKN, NO<sub>3</sub>-N, and total suspended solids (TSS) using standard methods, and for fats, oil, and grease (FOG) using EPA Method 1664A. The Permittee shall collect samples of the aqueous waste stream from the discharge of the treatment/separator system.</p> <p>The Permittee shall properly prepare, preserve, transport, and analyze the samples in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit analytical results, including the laboratory QA/QC summary report and Chain of Custody, reported in mg/L for TKN, NO<sub>3</sub>-N, TSS, and FOG, to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109]</p>
24.	<p>The Permittee shall on a monthly basis, document the amount of nitrogen in the aqueous portion of the grease trap waste applied to each surface disposal cell by completing a Surface Disposal Data Sheet for grease (SDDS-Grease, attached). The Permittee shall complete a SDDS for each cell and shall reflect the volume of aqueous grease trap waste disposed each month and the total nitrogen concentration from the most recent analysis required by Condition 23 or the average concentration from the last two analyses.</p> <p>The Permittee shall submit the SDDSs or a statement that no surface disposal occurred within the cell to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC and Subsection H of 20.6.2.3109NMAC]</p>

**C. CONTINGENCY PLAN**

#	Terms and Conditions
25.	<p>In the event that groundwater exceeds a groundwater protection standard identified in Section 20.6.2.3103 NMAC as a result of this discharge during the term of this Discharge Permit, upon closure of the Facility or during the implementation of post-closure requirements, the Permittee shall submit to NMED a Corrective Action Plan (CAP) that proposes, at a minimum, contaminant source control measures and an implementation schedule. The Permittee shall implement the CAP as approved by NMED.</p> <p>The NMED may require the Permittee to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108 and Section 20.6.2.4112 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
26.	<p>In the event that a SDDS for any cell shows that the amount of nitrogen applied in any 12-month period exceeds 200 pounds per acre, the Permittee shall propose the reduction of nitrogen loading to the affected cell by submitting a Corrective Action Plan (CAP) to NMED for approval. The Permittee shall submit the CAP, including a schedule for completion of corrective actions, within 90 days following the end of the monitoring period in which the exceedance occurred. The Permittee shall initiate implementation of the CAP following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
27.	<p>In the event that a release occurs that is not authorized under this Discharge Permit (commonly known as a "spill"), the Permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information.</p> <ol style="list-style-type: none"> <li>The name, address, and telephone number of the person or persons in charge of the Facility, as well as of the owner and/or operator of the Facility.</li> <li>The name and address of the Facility.</li> <li>The date, time, location, and duration of the unauthorized discharge.</li> <li>The source and cause of unauthorized discharge.</li> <li>A description of the unauthorized discharge, including its estimated chemical composition.</li> <li>The estimated volume of the unauthorized discharge.</li> </ol>

#	Terms and Conditions
	<p>g) Any actions taken to mitigate immediate damage from the unauthorized discharge.</p> <p>Within <u>one week</u> following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED providing the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the Permittee shall submit a Corrective Action Plan (CAP) to NMED describing any corrective actions previously taken and corrective actions to be taken relative to the unauthorized discharge. The Permittee shall ensure the CAP includes the following information.</p> <ul style="list-style-type: none"><li>a) A description of proposed actions to mitigate damage from the unauthorized discharge.</li><li>b) A description of proposed actions to prevent future unauthorized discharges of this nature.</li><li>c) A schedule for completion of proposed actions.</li></ul> <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, NMED may require the Permittee to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>The Permittee shall not construe anything in this condition as relieving them of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
28.	<p>In the event that NMED or the Permittee identifies any failures of the discharge plan, i.e., the application, or this Discharge Permit not specifically noted herein, NMED may require the Permittee to submit a Corrective Action Plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a discharge permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

**D. CLOSURE PLAN**

#	Terms and Conditions
29.	The Permittee shall complete the following closure measures in the event they are

#	Terms and Conditions
	<p>proposing to permanently close the septage, sludge, or grease interceptor waste disposal portion of the Facility or a surface disposal cell:</p> <ol style="list-style-type: none"> <li>Notify NMED of any waste types the Permittee will no longer be accepting at the Facility or the closure of a surface disposal cell.</li> <li>Within 60 days of ceasing to discharge to a disposal cell, backfill the disposal cell(s) with clean fill (as necessary) and re-grade to allow for positive storm water drainage.</li> <li>Re-vegetate the cells at the Facility by establishing a vegetative cover equal to 70% of the native perennial vegetative cover consisting of at least three native plant species including at least one grass, but not including noxious weeds. The Permittee shall maintain the vegetative cover through two consecutive growing seasons.</li> </ol> <p>When the Permittee has met all closure and post-closure requirements and verified appropriate actions with date stamped photographic evidence or an associated NMED inspection, the Permittee may submit to NMED a written request, including photographic evidence, for termination of the Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

#### E. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
30.	<p>RECORD KEEPING - The Permittee shall maintain a written record of the following:</p> <ul style="list-style-type: none"> <li>Information and data used to complete the application for this Discharge Permit;</li> <li>Information, data, and documents demonstrating completion of closure activities;</li> <li>Any releases (commonly known as "spills") not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC;</li> <li>The operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater;</li> <li>Facility record drawings (plans and specifications) showing the actual construction of the Facility and bear the seal and signature of a licensed New Mexico professional engineer;</li> <li>Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit;</li> <li>The volume of wastewater or other wastes discharged pursuant to this Discharge Permit;</li> <li>Groundwater quality and wastewater quality data collected pursuant to this Discharge Permit;</li> </ul>

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	<ul style="list-style-type: none"> <li>• Copies of construction records (well log) for all sampled groundwater monitoring wells pursuant to this Discharge Permit;</li> <li>• The maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and</li> <li>• Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including:               <ul style="list-style-type: none"> <li>a. the dates, location and times of sampling or field measurements;</li> <li>b. the name and job title of the individuals who performed each sample collection or field measurement;</li> <li>c. the sample analysis date of each sample</li> <li>d. the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;</li> <li>e. the analytical technique or method used to analyze each sample or collect each field measurement;</li> <li>f. the results of each analysis or field measurement, including raw data;</li> <li>g. the results of any split, spiked, duplicate or repeat sample; and</li> <li>h. a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used.</li> </ul> </li> </ul> <p>The Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for a lifetime of the Discharge Permit. The Permittee shall make the record available to NMED upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
31.	<p><b>SUBMITTALS</b> – The Permittee shall submit both a paper copy and an electronic copy of all notification and reporting documents required by this Discharge Permit, e.g., monitoring reports. The Permittee shall submit paper and electronic documents to the NMED Permit Contact identified on the Permit cover page.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
32.	<p><b>INSPECTION and ENTRY</b> – The Permittee shall allow NMED to inspect the Facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which any maintained records required by this Discharge Permit, the regulations of the federal government, or the WQCC are located.</p> <p>The Permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection</p>



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	<p>for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>No person shall construe anything in this Discharge Permit as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
33.	<p>DUTY to PROVIDE INFORMATION - The Permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
34.	<p>MODIFICATIONS and/or AMENDMENTS – In the event the Permittee proposes a change to the Facility or the Facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the Facility, the Permittee shall notify NMED prior to implementing such changes. The Permittee shall obtain NMED's approval (which may require modification of this Discharge Permit) prior to implementing such changes.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>
35.	<p>PLANS and SPECIFICATIONS – In the event the Permittee proposes to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the Permittee shall submit construction plans and specifications of the proposed system or process unit to NMED for approval prior to the commencement of construction.</p> <p>In the event the Permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the Permittee shall report such changes (including the submission of record drawings where applicable) to NMED prior to implementation.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
36.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the</p>

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	<p>Permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
37.	<p><b>CRIMINAL PENALTIES – No person shall:</b></p> <ul style="list-style-type: none"><li>• Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or maintained under the WQA;</li><li>• Falsify, tamper with or render inaccurate any monitoring device, method or record maintained under the WQA; or</li><li>• Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation.</li></ul> <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>

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38.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the Permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
39.	<p>RIGHT to APPEAL - The Permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues raised and the relief sought. Unless the Permittee files a timely petition for review, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
40.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this Facility or any portion thereof, the Permittee shall:</p> <ul style="list-style-type: none"><li>• Notify the proposed transferee in writing of the existence of this Discharge Permit;</li><li>• Include a copy of this Discharge Permit with the notice; and</li><li>• Deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee has received such notification.</li></ul> <p>The Permittee shall continue to be responsible for any discharge from the Facility, until both ownership and possession of the Facility have been transferred to the transferee.</p> <p>[20.6.2.3111 NMAC]</p>
41.	<p>PERMIT FEES – The Permittee shall be aware that the payment of permit fees is due at the time of Discharge Permit approval. The Permittee may pay the permit fees in a single payment or they may pay the fee in equal installments on a yearly basis over the term of the Discharge Permit. The Permittee shall remit single payments to NMED no later than 30 days after the Discharge Permit issuance date. The Permittee shall remit initial installment payments to NMED no later than 30 days after the Discharge Permit issuance date; with subsequent installment payments remitted to NMED no later than the anniversary of the Discharge Permit issuance date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. No person shall construe anything in this Discharge Permit as relieving the Permittee of the obligation to pay all permit fees assessed by NMED. A Permittee that ceases discharging or does not commence discharging from the Facility during the term of the Discharge Permit shall</p>

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	<p>pay all permit fees assessed by NMED. NMED shall suspend or terminate an approved Discharge Permit if the Permittee fails to remit an installment payment by its due date.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>

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